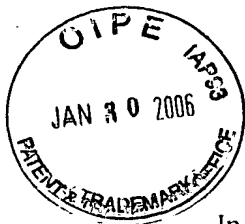


11.FW



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3727

Examiner: N. Eloshway

P.D. File No.: 30-3744CIP

In re Application of: IGOR PALLEY ET AL.

Serial No.: 08/717,042

Filed: September 20, 1996

For: BLAST RESISTANT AND BLAST DIRECTING CONTAINER AND
ASSEMBLIES

Colonial Heights, Virginia 23834

January 25, 2006

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE

ACTION NOT RECEIVED

Sir:

I hereby petition to withdraw the holding of abandonment in the above-referenced case and to revive same. The Notice of Abandonment dated October 1, 2004, was discovered by Applicants on January 23, 2006, as a result of searching status results on a Supplemental Information Disclosure Statement mailed filed July 25, 2005, on USPTO.gov web site.

Applicants' Legal Assistant, Becky Kirk reviewed this case and discovered no actions had been received subsequent to applicants' response on July 25, 2005. On January 23, 2006, Becky Kirk, Legal Assistant for applicant, discovered that this case had become abandoned by failure to respond to the Office Action of January 29, 2004, and a second mailing attempt on February 19, 2004. It was then discovered the Office Action and Notice of Abandonment were addressed to P.O. Box 31, Petersburg, VA instead of 15801 Woods Edge Road, Colonial Heights, VA. This is the reason that applicants did not receive the Office Action or the Notice of Abandonment, and therefore, request a Petition to Withdraw Holding of Abandonment for failure to receive the Office Action of January 29, 2004 and Notice of Abandonment of October 1, 2005.

I hereby state that the Examiner's Action of January 29, 2004 and second mailing of February 19, 2004 and the Notice of Abandonment of October 1, 2004 were not received. An extensive search of the file jacket and the docket records in my office

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indicates that this Office Action and Abandonment were not received, as a result of the wrong mailing address. I attach a copy of the outside of the file jacket, where the decision would have been entered had it been received and docketed. Also attached is a page print from our IPMaster Data Control database that lists actions due and responses completed.

Applicants address changed from P.O. Box 31, Petersburg, VA 23842 to 15801 Woods Edge Road, Colonial Heights, VA 23834. The forwarding address expired on January 2, 2003, as evidenced by the letter dated December 3, 2002, from Jeffrey A. Harrison to the US Post Office. Applicants failed to submit a Change of Address form to the USPTO prior to the expiration of its Petersburg, VA address. Applicant attaches herewith a corrected Change of Correspondence Address form.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and the case revived, a copy of the Office Action be sent to Applicants, and the statutory period for response be reset to the re-mailing of the office action.

Applicants respectfully request that the petition fee of \$130.00 be charged to Account No. 01-1125. A duplicate copy of this petition is enclosed. Please charge Account No. 01-1125 for any fee deficiency or credit this account for any overpayment for this petition.

Respectfully submitted,
IGOR PALLEY ET AL.

By: Virginia Szigeti
Virginia Szigeti (Andrews)
Applicants' Attorney
Reg. No. 29,039

Honeywell International Inc.
15801 Woods Edge Road
Colonial Heights, VA 23834
VS/rbk

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICES AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

ON: January 27, 2006
DATE

Virginia Szigeti (Andrews)
NAME OF APPLICANT, ASSIGNEE OR APPLICANT'S ATTORNEY

Virginia Szigeti
SIGNATURE

January 27, 2006
DATE

File No. 30-3744 CIPSBU 4820Invention of Gary Allan Harpell, Igor Palley, Max Wilhelm
Gerlach

I.R. Title _____

Applicant(s) Igor Palley, Gary Allan Harpell, and
Max Wilhelm GerlachTitle (as filed) Blast Resistant and Blast Directing Container
AssembliesSerial No. 08/77,047Filed Sept. 20, 1996Originating Attorney RGR(VSA)

Current US Attorney _____

ACTIONS

Notice to File Missing Parts 11/5/96
IDS 11/19 19 96
File Missing Parts 11/26 19 96
Assignment 11/26 19 96
Supplemental IDS 3/14 19 97
Supplemental IDS/PCT 7/23 19 97
Supplemental IDS/PCT 11/6 19 97
30 Day Response Due 2/2 19 98
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Amendment 8/9 19 99
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Notice of Appeal 4/26 19 2000
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Petition to Revoke 4/11 19 2001
Ex Parte Brief on Appeal 4/19 2001
Granted 4/30 19 2001
Office Action 6/27 19 2001
Response + 3 mo. ext. of time 11/1 2001
Office Action 4/9 19 2002

Response + 2 mo. ext. of time 8/27/02
Final Rejection 11/4 19 2002
Notice of Appeal 5/1 2003
Brief on Appeal 11/1 19 2003
IDS after final 7/25 19 05

Allowed _____
Final Fee Paid _____

Assignment to AlliedSignal Inc.

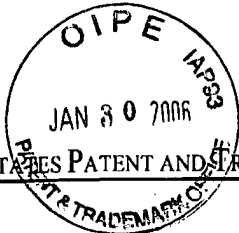
Dated 11/19 19 96Recorded 12/9 19 96Reel 8263 Frame 0356

Issued _____ 19 _____

Patent No. _____

SMEAD 103 SP88804

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Notice of Abandonment from website

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 10/01/2004

VIRGINIA S. ANDREWS
ALLIEDSIGNAL INC
LAW DEPARTMENT
P O BOX 31
PETERSBURG, VA 23804

EXAMINER

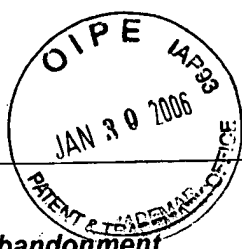
ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

08/717,042

Examiner

Niki M. Eloshway

Applicant(s)

PALLEY ET AL.


Art Unit

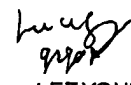
3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 February 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

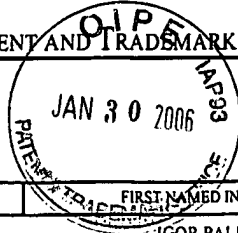

Niki M. Eloshway
Patent Examiner


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE



Office Action 1/29/04
my

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 01/29/2004
VIRGINIA S. ANDREWS
ALLIEDSIGNAL INC
LAW DEPARTMENT
P O BOX 31
PETERSBURG, VA 23804

EXAMINER	
ELOSHWAY, NIKI MARINA	
ART UNIT	PAPER NUMBER
3727	31

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 08/717,042	Applicant(s) PALLEY ET AL. <i>cd</i>	
	Examiner Niki M. Elishway	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-47 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: ATT. 1

DETAILED ACTION

Introduction

1. This Action was necessitated by the newly presented argument regarding claims 21, 22 and 24, set forth in the Appeal Brief filed November 5, 2003.

Election/Restriction

2. Claims 12, 48-50 and 54-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made **without** traverse in Paper No. 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807). Sacks discloses the claimed invention except for the blast mitigating material. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

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Sacks teaches a container set forth in col. 1 line 43 through col. 2 line 23. The bands of Sacks can be made of SPECTRA, as set forth in col. 1 lines 33-42. This SPECTRA material is the same material used in applicant's invention, and therefore has the same characteristics.

Regarding claims 21, 22 and 24, Applicant states in the Appeal Brief filed November 5, 2003 that at the time of the Sacks invention the "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths." Evidence has not been presented by Applicant to defend such a statement.

5. Claims 10, 11, 13-19, 33-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807) and Lewis (U.S. 0,674,009). Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material forming bands. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

6. Claims 1, 3, 4, 7, 9, 20, 23, 27, 29, 31, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. Sacks discloses the claimed invention except for the blast mitigating material. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807), as applied to claim 20, and further in view of Harpell et al. (U.S. 4,623,574). To the degree that applicant argues that the SPECTRA material used by Sacks did not have at least 75 percent of its fibers substantially continuous. Harpell et al. teaches that it is known to provide a material wherein the fibers are wound around an article. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with at least 75 percent of the fibers being substantially continuous, in order to increase the strength of the band.

8. Claims 32, 33, 35, 38, 42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. and Lewis. Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material being bands. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

Response to Arguments

9. Applicant's arguments filed November 5, 2003 have been fully considered but they are not persuasive.

A. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52

Applicant argues that Sacks "fails to teach a collapsible container or a container of blast resistant material" (page 6 of Appeal Brief, filed November 5, 2003). It is the examiner's position that that the cover of Sacks meets the limitations of the collapsible container set forth in the claims. A container is defined in Webster's Ninth New Collegiate Dictionary (1990) as "one that contains; esp : a receptacle or a flexible covering for the shipment of goods" (see Attachment 1). The cover of Sacks contains the rigid container and it is a flexible covering for the shipment of goods. This cover of Sacks is made from "high tensile strength, high stretch resistant flexible material", as described on page 6 of the Appeal Brief filed November 5, 2003. This material allows the cover to be considered collapsible, as set forth in the pending claims.

Regarding claims 21, 22 and 24, Applicant argues that Sacks does not teach or suggest that at least about 75 weight percent of the fibers are continuous lengths of fiber that encircle the enclosed volume. In col. 1 line 65 through col. 2 line 7, Sacks sets forth a cover comprised of three panels of material. The third panel is wound around the enclosed volume and has its ends connected together. This third panel encircles the volume by forming a closed loop or closed band of material. Sacks teaches the use of woven and non-woven fabric, such as SPECTRA and SPECTRASHIELD (col. 1 lines 37-39).

Applicant argues that "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths" (page 6 of the Appeal Brief filed November 5, 2003) at the time of the Sacks invention. The patent of Harpell et al. (U.S.

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4,623,574) teaches that it was known by 1986 that layers of fibers could be arranged to extend in parallel direction. Harpell et al. also teaches that continuous lengths of yarn could be wrapped around an article.

Regarding the McDonald reference, Applicants argue that the foam balls of MacDonald et al. "will not make the standard container disclosed by Sacks effective to withstand a blast" (page 7 of Appeal Brief filed November 5, 2003). The examiner disagrees with this position. The foam balls of MacDonald would aid in reducing or mitigating the effects of a blast, to the degree set forth in the claims. Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 47, 51 and 52, Applicant argues that the claimed container has two open sides. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 47 is an open claim which sets forth a band of material. It does not set forth that the container is open on two sides. Sacks teaches a band of material in col. 2 lines 4-7. It is unclear why the cover of Sacks is not considered a container by Applicants but the band of material can be considered a container by Applicants.

B. Claims 10-11, 13-19, 33-43 and 45

Applicant argues that the panels of Sacks are not bands. The examiner disagrees with this position. Sacks teaches a third panel which encircles the volume and has its ends connected together

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(col. 2 lines 4-7). In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). These claims are rejected over Sacks as modified by MacDonald and Lewis. The reference of Lewis teaches a container formed by three thin, flat, volume-encircling strips or bands. The first and second panels of Sacks are modified by the structure of the panels of Lewis, such that the first and second panels of Sacks become volume-encircling. Furthermore, it should be noted that applicants have not set forth in the claims or in the definition of band that the bands must be a closed loop.

C. Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 47 and 53

Regarding the Gettle et al. reference, Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D. Claims 32-33, 35, 38, 42, 44 and 46

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

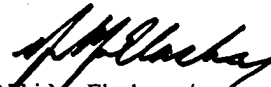
Art Unit: 3727

Conclusion

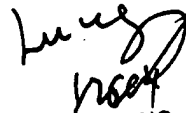
10. In view of the new grounds of rejection for claims 21, 22 and 24, which was necessitated by the newly presented argument regarding the SPECTRA Fibers, **THIS ACTION IS MADE NON-FINAL.**

11. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme
Patent Examiner
January 23, 2004



LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



WEBSTER'S Ninth New Collegiate Dictionary

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MERRIAM-WEBSTER INC., Publishers
Springfield, Massachusetts, U.S.A.

353637383940RMcN90

constructive (kən'strik-tiv) *adj* (1680) 1: declared such by judicial construction or interpretation (~ fraud) 2: of or relating to construction or creation 3: promoting improvement or development (~ criticism) — **constructively** *adv* — **constructiveness** *n*

constructivism (kən'strik-ti-viz-əm) *n*, often *cap* (1923) 1: a nonobjective art movement originating in Russia and concerned with formal organization of planes and expression of volume in terms of modern industrial materials (as glass and plastic) — **constructivist** (kən'strik-tiv-ist) *adj* or *n*, often *cap*

construe (kən'stri) *vb* **construed**; **construing** [ME *construen*, fr. LL *construere*, fr. L. to construct] *vi* (14c) 1: to analyze the arrangement and connection of words in (a sentence or sentence-part) 2: to understand or explain the sense or intention of usu. in a particular way or with respect to a given set of circumstances (*construed* my actions as hostile) ~ *vt*: to construe a sentence or sentence part esp. in connection with translating — **construable** (kən'stri-ə-bəl) *adj*

construe (kən'stri) *n* (1844): an act of construing esp. by piecemeal translation; also: the translated version resulting from such an act

consubstantial (kən(i)-səb-'stan-chəl) *adj* [LL *consubstantialis*, fr. L. *com-* + *substantia* substance] (14c): of the same substance

consubstantiation (kən(i)-səb-'stan-chē-'ā-shən) *n* (1597): the actual substantial presence and combination of the body of Christ with the eucharistic bread and wine according to a teaching associated with Martin Luther — compare **TRANSUBSTANTIATION**

consuetude (kən(i)-swi-(y)ūd, kən-'sü-ə) *n* [ME, fr. L. *consuetudo* — more at **CUSTOM**] (14c): social usage; **CUSTOM** — **consuetudinary** (kən(i)-swi-(y)ūd-'n-er-ē, kən-'sü-ə) *adj*

consult (kən(i)-səl) *n* [ME, fr. L. *akin* to L. *consulere* to consult] (14c) 1: a: either of two annually elected chief magistrates of the Roman republic; b: one of three chief magistrates of the French republic from 1799 to 1804 2: an official appointed by a government to reside in a foreign country to represent the commercial interests of citizens of the appointing country — **consultant** (kən-səl-'n-ant) *adj* — **consultship** (kən-səl-'ship) *n*

consulate (kən-sə-'lāt) *n* (14c) 1: a government by consuls 2: the office, term of office, or jurisdiction of a consul 3: the residence or official premises of a consul

consulate general *n*, *pl* **consulates general** (1883): the residence, office, or jurisdiction of a consul general

consul general *n*, *pl* **consul generals** (1812): a consul of the first rank stationed in an important place or having jurisdiction in several places or over several consuls

consult (kən-'səl-tiv) *vb* [MF or L. MF *consulere*, fr. L. *consulere*, fr. *consul*, pp. of *consulere* to deliberate, counsel, consult] *vi* (1527) 1: to have regard to; **CONSIDER** 2: a: to ask the advice or opinion of (~ a doctor) b: to refer to (~ a dictionary) ~ *vt* 1: to consult an individual 2: to deliberate together; **CONFER** 3: to serve as a consultant — **consultant** *n*

consult (kən-'səl-tiv) *n* (1560): **CONSULTATION**

consultancy (kən-'səl-ti-n-ē) *n*, *pl* **-cies** (1955) 1: **CONSULTATION** 2: an agency that provides consulting services 3: the position of a consultant

consultant (kən-'səl-ti-n-ē) *n* (1697) 1: one who consults another 2: one who gives professional advice or services; **EXPERT** — **consultantship** (kən-'səl-ti-n-ē-'ship) *n*

consultation (kən(i)-səl-'tā-shən) *n* (15c) 1: **COUNCIL**, **CONFERENCE**; *specif*: a deliberation between physicians on a case or its treatment 2: the act of consulting or conferring

consultative (kən-səl-'tāt-iv, kən(i)-səl-'tāt-iv) *adj* (1583): of, relating to, or intended for consultation; **ADVISORY** (~ committee)

consulting (kən-'səl-ti-n-ē) *adj* (1801) 1: providing professional or expert advice (as an architect) 2: of or relating to consultation or a consultant (the ~ room of a psychiatrist)

consultive (kən-'səl-tiv) *adj* (1616): **CONSULTATIVE**

consultor (kən-'səl-tər) *n* (ca. 1611): one that consults or advises; *esp*: an adviser to a Roman Catholic bishop; provincial, or sacred congregation

consumable (kən-'sü-mə-bəl) *adj* (1641): capable of being consumed

consumable (1802): something (as food or fuel) that is consumable — *usu.* used in *pl.*

consume (kən-'sü-m) *vb* **consumed**; **consuming** [ME *consumen*; fr. MF or L. MF *consumere*, fr. L. *com-* + *sumere* to take up, take, fr. *sub-* up + *emere* to take — more at **SUB**; **REDEEM**] *vi* (14c) 1: to do away with completely; **DESTROY** (fire consumed several buildings) 2: a: to spend wastefully; **SQUANDER**; b: **USE UP** (writing consumed much of his time) 3: to eat or drink *esp.* in great quantity (consumed several kegs of beer) 4: to engage fully; **ENGROSS** (consumed with curiosity) ~ *vt* 1: to waste or burn away 2: to utilize economic goods

consumedly (kən-'sü-məd-ē) *adv* (1707): as if consumed; **EXCESSIVELY**

consumer (kən-'sü-mər) *n*, often *attrib* (15c): one that consumes; *as*: a: one that utilizes economic goods; b: an organism requiring complex organic compounds for food which it obtains by preying on other organisms or by eating particles of organic matter — compare **PRODUCER** 4 — **consumer-ship** (kən-'sü-m-ē-'ship) *n*

consumer credit *n* (1927): credit granted to an individual *esp.* to finance the purchase of consumer goods or to defray personal or family expenses

consumer goods *n*, *pl* (1890): goods that directly satisfy human wants

consumerism (kən-'sü-m-ē-'rīz-əm) *n* (1944) 1: the promotion of the consumer's interests 2: the theory that an increasing consumption of goods is economically desirable; also: a preoccupation with and an inclination toward the buying of consumer goods — **consumerist** (kən-'sü-m-ē-'rīst) *n*

consumer price index *n* (ca. 1948): an index measuring the change in the cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of these same goods and services in some base period — called also **cost-of-living index**

consuming (kən-'sü-mi-n) *adj* (1920): deeply felt; **ARDENT** (a ~ interest); also: **ENGROSSING**

consummation (kən-'səm-ət, kən(i)-sə-'māt) *adj* [ME, fr. L. *consummatus*, pp. of *consummare* to sum up, finish; fr. *com-* + *summa* sum] (15c) 1: complete in every detail; **PERFECT** 2: extremely skilled and

accomplished (a ~ liar) 3: of the highest degree (~ skill)

consummately (kən-'səm-ət-ē) *adv*

consummate (kən(i)-sə-'māt) *vb* **consummated**; **consummating** *vi* (1530) 1: **FINISH**, **COMPLETE** (~ a business deal) b: to make perfect 2: to make (marriage) complete by sexual intercourse 3: to become perfect (~ a marriage) ~ *vt*: to become perfected — **consummation** (kən(i)-sə-'māt-iv, kən-'səm-ət-iv) *n* — **consummator** (kən-'səm-ət-ər) *n*

consummation (kən-'səm-ət-iv) *n* (14c) 1: the act of consummating (the ~ of a contract by mutual signature); *specif*: the consummating of a marriage 2: the ultimate end; **FINISH**

consummatory (kən-'səm-ət-ō-ē, -tō-ē) *adj* (1648) 1: of or relating to consummation 2: of, relating to, or being a response or act (as eating or copulating) that terminates a period of un-directed behavior

consumption (kən-'səm(p)-shən) *n* [ME *consumptio*, fr. L. *consumptio*, fr. *consumptus*, pp. of *consumere*] (14c) 1: a: progressive wasting away of the body esp. from pulmonary tuberculosis b: **TUBERCULOSIS** 2: the act or process of consuming 3: utilization of economic goods in the satisfaction of wants or in the process of production resulting chiefly in their destruction, deterioration, or transformation

consumptive (kən-'səm(p)-tiv) *adj* (1647) 1: tending to consume; of, relating to, or affected with consumption — **consumptively** *adv*

consumptive *n* (1666): a person affected with consumption

contact (kən-'tækt) *n* [F or L; F. *contactus*, fr. *contactus*, pp. of *contingere* to have contact with — more at **CONTINGENT**] (1626) 1: union or junction of surfaces; b: the apparent touching or mutual tangency of the limbs of two celestial bodies or of the disk of one body with the shadow of another during an eclipse, transit, or occultation (1): the junction of two electrical conductors through which a current passes (2): a special part made for such a junction 2: a: **ASSOCIATION**, **RELATIONSHIP**; b: **CONNECTION**, **COMMUNICATION** c: direct visual observation of the earth's surface made from an airplane *esp.* as an aid to navigation d: an establishing of communication with someone (an observing or receiving of a significant signal from a person or object (radar ~ with Mars)) 3: one serving as a carrier or source 4: **CONTACT LENS**

contact (kən-'tækt, kən-'v) *vi* (1834): to make contact ~ *vt* 1: to bring into contact 2: a: to enter or be in contact with; **JOIN** b: to get in communication with (~ your local dealer) — *usage* A few stalwart defenders of the language still object to the use of *contact* as a verb, *esp.* in sense 2b. But most commentators agree that it has become established as standard.

contact (kən-'tækt) *adj* (1859): maintaining, involving, or activated or caused by contact (~ poisons) (~ sports)

contact flying (kən-'tækt-'flai) *n* (1938): navigation of an airplane by means of direct observation of landmarks

contact inhibition (kən-'tækt-'in-ib-ē-shən) *n* (1965): cessation of cellular undulating movements upon contact with other cells with accompanying cessation of cell growth and division

contact lens (kən-'tækt-'lens) *n* (1888): a thin lens designed to fit over the cornea

contact print (kən-'tækt-'pɪnt) *n* (1890): a photographic print made with the negative in contact with the sensitized paper, plate, or film

contagion (kən-'tā-jən) *n* [ME, fr. MF & L. MF, fr. L. *contagion*, fr. *contingere* to have contact with; *pollute*] (14c) 1: the transmission of a disease by direct or indirect contact; b: a contagious disease; c: a disease-producing agent (as a virus) 2: a: **POISON**; b: contagious influence, quality, or nature; c: corrupting influence of contact 3: a: rapid communication of an influence (as a doctrine or emotional state) b: an influence that spreads rapidly

contagious (kən-'tā-jəs) *adj* (15c) 1: communicable by contact; **CATCHING** (~ diseases) 2: bearing contagion 3: used for contagious diseases (a ~ ward) 4: exciting similar emotions or conduct in others (~ enthusiasm) — **contagiously** *adv* — **contagiousness** *n*

contagious abortion *n* (1910): a contagious or infectious disease (as brucellosis) of domestic animals characterized by abortion

contagium (kən-'tā-j-ē-jəm) *n*, *pl* **-gia** (kən-'tā-j-ē-jā) [L. *contagion*, fr. *contingere*] (1870): a virus or living organism capable of causing a communicable disease

contain (kən-'tān) *vb* [ME *contenein*, fr. OF *contenir*, fr. L. *continere* to hold together, hold in, contain, fr. *com-* + *tenere* to hold — more at **THIN**] *vi* (13c) 1: to keep within limits; *as*: a: **RESTRAIN**, **CONTROL**; b: **CHECK**, **HALT**; c: to follow successfully a policy of containment toward d: to prevent (as an enemy or opponent) from advancing or from making a successful attack 2: a: to have within; **HOLD**; b: **COMPREHEND** 3: a: to be divisible by usu. without a remainder b: **ENCLOSE**, **BOUND** ~ *vt*: to restrain oneself — **containable** (kən-'tān-ə-bəl) *adj*

SYN **CONTAIN**, **HOLD**, **ACCOMMODATE** mean to have or be capable of having within. **CONTAIN** implies the actual presence of a specified substance or quantity within something; **HOLD** implies the capacity of containing or the usual or permanent function of containing or keeping; **ACCOMMODATE** stresses holding without crowding or inconvenience.

contained *adj* (1653): **RESTRAINED**; also: **CALM**

container (kən-'tān-ər) *n* (15c): one that contains; *esp*: a receptacle or a flexible covering for the shipment of goods

container-board (kən-'tān-ər-'bɔrd, -bɔrd) *n* (ca. 1924): corrugated or solid paperboard used for making containers

containerization (kən-'tān-ər-'rīz-ā-shən) *n* (1956): a shipping method in which a large amount of material (as merchandise) is packaged together in one large container

containerize (kən-'tān-ər-'rīz) *vt*, *vi* **-ized**; **-izing** (1956) 1: to ship by containerization 2: to pack in containers

container-port (kən-'tān-ər-'pɔrt, -pɔrt) *n* (1970): a shipping port specially equipped to handle containerized cargo

container-ship (kən-'tān-ər-'ship) *n* (1966): a ship *esp.* designed or equipped for carrying containerized cargo

containment (kən-'tān-ment) *n* (1655) 1: the act, process, or means of containing 2: the policy, process, or result of preventing the expansion of a hostile power or ideology

Notice of References Cited	Application/Control No. 08/717,042	Applicant(s)/Patent Under Reexamination PALLEY ET AL.	
	Examiner Niki M. Eloshway	Art Unit 3727	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,623,574	11-1986	Harpell et al.	428/113
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

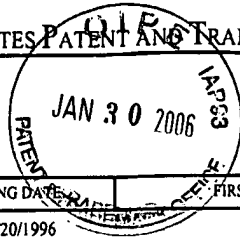
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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Remailed 2/14/06

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 02/19/2004
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EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.



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08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

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01/29/2004

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ART UNIT

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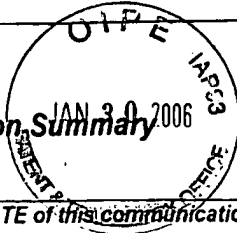
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TECHNOLOGY CENTER R3700

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*remailed
2/19/04*

Office Action Summary



Application No.

08/717,042

Applicant(s)

PALLEY ET AL.

Examiner

Niki M. Eloshway

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-47 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: ATT. 1

Art Unit: 3727

DETAILED ACTION

Introduction

1. This Action was necessitated by the newly presented argument regarding claims 21, 22 and 24, set forth in the Appeal Brief filed November 5, 2003.

Election/Restriction

2. Claims 12, 48-50 and 54-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made without traverse in Paper No. 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807). Sacks discloses the claimed invention except for the blast mitigating material. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

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Sacks teaches a container set forth in col. 1 line 43 through col. 2 line 23. The bands of Sacks can be made of SPECTRA, as set forth in col. 1 lines 33-42. This SPECTRA material is the same material used in applicant's invention, and therefore has the same characteristics.

Regarding claims 21, 22 and 24, Applicant states in the Appeal Brief filed November 5, 2003 that at the time of the Sacks invention the "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths." Evidence has not been presented by Applicant to defend such a statement.

5. Claims 10, 11, 13-19, 33-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807) and Lewis (U.S. 0,674,009). Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material forming bands. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

6. Claims 1, 3, 4, 7, 9, 20, 23, 27, 29, 31, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. Sacks discloses the claimed invention except for the blast mitigating material. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at

Art Unit: 3727

the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807), as applied to claim 20, and further in view of Harpell et al. (U.S. 4,623,574). To the degree that applicant argues that the SPECTRA material used by Sacks did not have at least 75 percent of its fibers substantially continuous. Harpell et al. teaches that it is known to provide a material wherein the fibers are wound around an article. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with at least 75 percent of the fibers being substantially continuous, in order to increase the strength of the band.

8. Claims 32, 33, 35, 38, 42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. and Lewis. Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material being bands. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

Response to Arguments

9. Applicant's arguments filed November 5, 2003 have been fully considered but they are not persuasive.

A. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52

Applicant argues that Sacks "fails to teach a collapsible container or a container of blast resistant material" (page 6 of Appeal Brief, filed November 5, 2003). It is the examiner's position that that the cover of Sacks meets the limitations of the collapsible container set forth in the claims. A container is defined in Webster's Ninth New Collegiate Dictionary (1990) as "one that contains; esp : a receptacle or a flexible covering for the shipment of goods" (see Attachment 1). The cover of Sacks contains the rigid container and it is a flexible covering for the shipment of goods. This cover of Sacks is made from "high tensile strength, high stretch resistant flexible material", as described on page 6 of the Appeal Brief filed November 5, 2003. This material allows the cover to be considered collapsible, as set forth in the pending claims.

Regarding claims 21, 22 and 24, Applicant argues that Sacks does not teach or suggest that at least about 75 weight percent of the fibers are continuous lengths of fiber that encircle the enclosed volume. In col. 1 line 65 through col. 2 line 7, Sacks sets forth a cover comprised of three panels of material. The third panel is wound around the enclosed volume and has its ends connected together. This third panel encircles the volume by forming a closed loop or closed band of material. Sacks teaches the use of woven and non-woven fabric, such as SPECTRA and SPECTRASHIELD (col. 1 lines 37-39).

Applicant argues that "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths" (page 6 of the Appeal Brief filed November 5, 2003) at the time of the Sacks invention. The patent of Harpell et al. (U.S.

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4,623,574) teaches that it was known by 1986 that layers of fibers could be arranged to extend in parallel direction. Harpell et al. also teaches that continuous lengths of yarn could be wrapped around an article.

Regarding the McDonald reference, Applicants argue that the foam balls of MacDonald et al. "will not make the standard container disclosed by Sacks effective to withstand a blast" (page 7 of Appeal Brief filed November 5, 2003). The examiner disagrees with this position. The foam balls of MacDonald would aid in reducing or mitigating the effects of a blast, to the degree set forth in the claims. Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 47, 51 and 52, Applicant argues that the claimed container has two open sides. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 47 is an open claim which sets forth a band of material. It does not set forth that the container is open on two sides. Sacks teaches a band of material in col. 2 lines 4-7. It is unclear why the cover of Sacks is not considered a container by Applicants but the band of material can be considered a container by Applicants.

B. Claims 10-11, 13-19, 33-43 and 45

Applicant argues that the panels of Sacks are not bands. The examiner disagrees with this position. Sacks teaches a third panel which encircles the volume and has its ends connected together

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(col. 2 lines 4-7). In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). These claims are rejected over Sacks as modified by MacDonald and Lewis. The reference of Lewis teaches a container formed by three thin, flat, volume-encircling strips or bands. The first and second panels of Sacks are modified by the structure of the panels of Lewis, such that the first and second panels of Sacks become volume-encircling. Furthermore, it should be noted that applicants have not set forth in the claims or in the definition of band that the bands must be a closed loop.

C. Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 47 and 53

Regarding the Gettle et al. reference, Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D. Claims 32-33, 35, 38, 42, 44 and 46

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

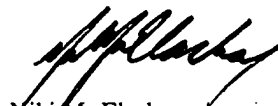
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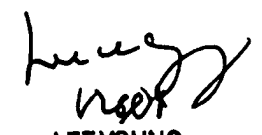
Conclusion

10. In view of the new grounds of rejection for claims 21, 22 and 24, which was necessitated by the newly presented argument regarding the SPECTRA Fibers, **THIS ACTION IS MADE NON-FINAL.**

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Niki M. Eloshway/nme
Patent Examiner
January 23, 2004


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



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01-21-1998	Communication - Re: Power o
11-10-1997	Change in Power of Attorney (M
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11-25-1996	Information Disclosure Statemer
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Filing or 371 (c) Date:	09-20-1996			Status:
Application Type:	Utility			Status D
Examiner Name:	ELOSHWAY, NIKI MARINA			Location
Group Art Unit:	3727			Location
Confirmation Number:	6496			Earliest I
Attorney Docket Number:	30-3744CIP			Earliest I
Class / Subclass:	220/001.500			Patent N
First Named Inventor:	IGOR PALLEY, MADISON, NJ (US)			Issue Da
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10-01-2004	Abandonment
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08-27-2002	Applicant Arguments or Remarks Made in a Amendment
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12-27-2001	Amendment - After Non-Final Rejection
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04-30-2001	Petition Decision
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01-18-2001	Abandonment
05-01-2000	Notice of Appeal Filed
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10-16-1998	Information Disclosure Statement (IDS) Filed
06-03-1998	Non-Final Rejection
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03-09-1998	Amendment - After Non-Final Rejection
02-03-1998	Requirement for Restriction/Election

01-21-1998	Miscellaneous Action with SSP
11-10-1997	Foreign Reference
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11-10-1997	Power of Attorney (may include Associate POA)
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09-20-1996	Issue Information including classification, examiner, name, claim, renumbering, etc.
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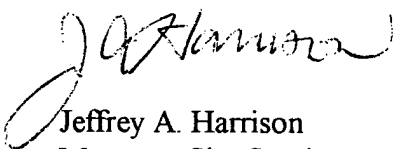
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Country	United States	Agent	RENEE RYMARZ
Case Type	Regular	Charge SBE	HIGH PERF FIBERS - SPECTRA
Relation Type	Continuation-In-Part	Current Owner	ALLIEDSIGNAL INC.
Filing Type	National	Source SBU	
Filing Number	01	File Location	PB

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		PETITION TO REVIVE		4/11/2001			
		Info Disc. Statement		7/25/2005	duplicate entry		
		Info Disc. Statement		7/25/2005			
		MISSING PART	12/5/1996	11/26/1996			
		Info Disc. Statement	12/20/1996	11/20/1996			
		DISCLOSURE STATEMENT	5/19/1997	3/14/1997			
		Review For Foreign Filing	6/20/1997	9/20/1997			
		DISCLOSURE STATEMENT	11/22/1997	9/19/1997			
		DISCLOSURE STATEMENT	12/11/1997	11/6/1997			
		Response Due	3/3/1998	3/5/1998			
		Response Due	9/3/1998	12/3/1998			
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Country	United States	Agent	RENEE RYMARZ
Case Type	Regular	Charge SBE	HIGH PERF FIBERS - SPECTRA
Relation Type	Continuation-In-Part	Current Owner	ALLIED SIGNAL INC.
Filing Type	National	Source SBU	
Filing Number	01	File Location	PB

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Parent Number	08/533589		Parent Grant Date			
Application Number	08/717042		Application Date	9/20/1996	Tax Base Date	
Patent Number			Grant Date		Next Tax Date	
Publication Number			Publication Date		Expiration Date	
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